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The People's Press.

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ANNUAL MESSAGE.

HON. TOD R. CALDWELL,
GOVERNOR OF NORTH
CAROLINA.

Delivered and Read to the General
Assembly, Wednesday, November
20th, 1872.

To the Honorable, the General Assembly
of the State of North Carolina.

You, the representatives of the sovereign people, are assembled in accordance with the provisions of the Constitution, and it is my duty to give you such information and make such recommendations as may be deemed expedient. It affords me the most sincere gratification to be able to congratulate the people of our State upon their greatly improved condition during the year, now rapidly drawing to a close; in that an abundance of all the products of our soil have crowned their labors; that property and thrift are to be seen on every side, following close in the wake of industry and enterprise, and that a better feeling is everywhere manifested among our people, who are fast becoming reconciled, one towards the other. For these and kindred blessings, let us be devoutly thankful to the bountiful Giver of all good gifts and strive to make ourselves, as a great State, worthy and deserving of them.

OUR FEDERAL RELATIONS.

As preliminary to other recommendations, I deem it proper to call your attention to the relations of the State with the National Government, which, since the late war, have been in some respects altered by amendments to the Constitution of the United States, and have, in other respects, become more delicate than formerly, requiring deliberation and consideration in shaping general legislation upon a variety of subjects. The material interests of the people are more gravely involved in this subject than in any other. Until good order and quiet are restored and assured within our borders, the immigration enterprise and capital, which are flowing into less favored regions, cannot be turned to us, and every branch of labor and business must continue to languish. Until the State and her people are manifestly in full accord with the National Government, there will continue to exist apprehensions of possible trouble, affecting the interest of capital, and producing a disinclination to invest in our section or to seek a residence among us. Without this it must be many years before we can hope to recover from the calamities through which we have passed, and be relieved from the embarrassments which now weigh so heavily upon the people. This generation may pass away before any valuable progress is made in the vast internal resources within our borders, which might be made to spread wealth, comfort and prosperity, where now there is only poverty, gloom and embarrassment. I will not recur to the causes in the past, nor animadvert upon the existing elements adverse to the practical exercise of that high order of statesmanship, which, making due allowance for the passions and follies of men, looks only to the present and future good of the commonwealth, and aims at beneficent results to the whole, rather than the triumph of one class or idea over another. But for the common interest of all, I trust, that as far as may be, the animosities and recriminations of the troubled times from which we ought now to emerge, may cease and be forgotten in a united effort to make the best of events, and conform to the requirements of accomplished facts. A new order of things is established. The means, and the conflicts of opinion, feeling and interests, through which it has been established, can no longer wisely come into question, or be allowed to influence the actions of the chosen representatives of the people, in adopting measures for their relief and government, nor in leading and giving tone to that popular sentiment, upon which is based, after all, the good order, character and welfare of the state. There is much to be forgotten on all sides—much of injustice to be forgiven—much allowance to be made for honest error; for mistaken impulse; for the blindness of excitement; and for the disordered state of society. It will be happy for North Carolina, if her newly chosen Legislature can, with determined purpose, turn their backs upon much of the past and manfully deal with the situation in a practical, business and statesmanlike manner.

By the fourteenth amendment to the Constitution of the United States, every citizen of North Carolina is declared to be a citizen of the United States, and the National Government is expressly invested with power to provide for his civil rights as such. The State government cannot take these rights from him, nor prevent his practical enjoyment of them, without making a case for the interference of the national authority.

The State cannot deny to any class, or to any individual citizen, the equal protection of the laws; either by acts of omission or commission, without subjecting itself to such supervisory and remedial action of the National Government, as must necessarily be unpleasant and troublesome, and reflect more or less upon local

interests and upon society. You will doubtless agree with me, that every point, and every feeling of our people, point to an avoidance of all occasions for such interference, and that it is the highest duty of the legislature, candidly and in good faith, to shape legislation to this end. We cannot deny that a failure of the State authorities in two many glaring instances, to protect citizens, mostly of a certain class, from systematic and organized outrage upon their persons, and upon their rights, has furnished occasion for the interposition of the National legislature on subjects that the State would more properly and better control. Such interposition is mortifying to the pride and feelings of our people—the occasion for it is a reproach to society. The failure of the State to remove such occasions is discreditable alike to the people and to their representatives. Altogether it has been disastrous to our material interests—setting back the influx of capital and immigration, and retarding all classes of labor, industry and enterprise.

But besides this, the National Government is naturally watchful of any appearance of willful failure on the part of certain of the States to conform to the results of the late uniform conflict, and sensitive to what may seem an effort to reverse or evade the policy which it has adopted for its protection in the future, and for its interests and welfare at present. It especially distrusts the people and the governments of those States, as to their disposition and purpose to respect and enforce the rights of that class of citizens who have been raised by its authority alone, from absolute slavery to full and complete American citizenship. We may add to this that the conduct and language of too many of the other class of our people, have given cause for the belief that the national safety is seriously involved in upholding and enforcing the practical and untrammelled enjoyment, and exercise by the colored citizens in the South, of the new rights and powers conferred on them.

It could not reasonably be expected, at first, that the former ruling classes in this State should fully realize, and conform in all respects and upon all occasions, to the new order of things. There was in the way, former prejudices and habits; passions and animosities engendered by recent strife; pride of caste; a humiliating sense of low power, and an ill-founded hope of restoring by some means to a greater or less degree, the old order of things. Political parties have been adhered to and supported, with unbecoming zeal and recklessness, under the impulse of such feelings and hopes—and acts have been done, and means resorted to that will be followed by the heartfelt regrets of a lifetime. Political leaders have participated in such feelings and hopes, or have encouraged and fostered their own purposes. Thus, for years, has our State been distracted from internal peace and tranquility, and the interests of the people have been lowered in tone; individuals demoralized, and personal bitterness between neighbors and former friends engendered to the distraction of confidence and the general ruin of business in all its relations and results.

The result of the recent State and National elections, has shown too clearly to be mistaken that the American people are fixed in their purpose to perpetuate and enforce the policy and principles, which have been so long with us the basis of the contest in which we have lost so much. It is wise, as it is now our duty as citizens and men, to look upon events as they are and to conform our public policy, and as far as possible our private conduct, to the national will—to put this State in full and complete accord with the Nation, and to remove the interposition of direct national authority entirely unnecessary, either for the protection of citizens or for any other purpose that may be properly and as well accomplished by the State itself. There is reason to believe that the government of the United States, and the people of the Northern States, are anxious for the States recently in revolt to be blessed with prosperity—for peace and good order to be established, and for mutual good feeling and kindly relations to be restored between citizens as early and as rapidly as possible. Fostering and auxiliary legislation, and the friendly offices of every department of the National Government will doubtless be directed to this end, as soon as the States themselves so settle down the disordered elements within their borders, and so conform their policy to the new order of things, as to render such action productive of beneficial results. It ought now to be manifest to every one that the time has arrived, when this State may fully reinstate itself as one of the efficient, co-operative members of the Union, advancing, instead of retarding, the wonderful progress, which the American people are making in wealth, power, honor and greatness among the nations of the earth.

STATE DEBT AND FINANCES.

In my message to the last General Assembly will be found a summary of the State debt, which it is not necessary to repeat, as very little change has occurred since, except in the accruing interest.

I again call the attention of the legislature to the great importance of carefully considering this whole subject. The honor and character, as well as the material interests of the State are most seriously involved. Immigrants seeking investment and homes in the State, have been turned away as soon as they have learned the condition of the public finances, and the apparent heavy debt hanging over us. It is difficult to make any public suggestions to the legislature on this subject without running the risk of setting up speculation and gambling in our public securities and otherwise affecting indefinitely many questions connected with the subject. I shall refrain from going into details at present; but hope during your present session, to confer with the proper committees of your respective bodies and communicate information and make suggestions that may aid in coming to some proper conclusion as to the best course to be pursued.

A State ought to meet every money obligation with promptness. The faith of creditors rests entirely upon confidence. The fact that the State cannot be brought into the courts and compelled to pay its

debts, is, and ought to be, a still stronger reason for acting always in good faith. In the affairs of States, however, as in those of individuals, exigencies arise when it may not be possible to meet promptly its obligations. An unadjusted debt hanging over a State is an incubus, which deadens enterprise, and prevents its advance in population and wealth.

The causes which have brought about the existing condition of things never occurred before, and probably will not occur again. The complete sweeping away of almost the entire accumulations of the past—the change in the labor system; the resulting want of individual confidence and credit; and the nearly all the business relations, have been natural results of circumstances over which the State and its people have no control. But immense resources are still left to us, and need only to be developed to restore a high degree of individual prosperity and of public wealth. The future is full of hope, and we have well grounded reasons for believing, that, by judicious legislation and a wise and broad policy in the management of our national advantages, the day may be hastened, more rapidly than is generally supposed, when our present depressed condition will be greatly changed for the better. This has been, doubtless, fully considered by the State's creditors, and gives us still much power to restore, in some measure, that confidence, which the general honesty, and sober, solid character of our people once inspired. This would be greatly facilitated by a manifestation on the part of the representatives of the people of a determined disposition to make the best of all the advantages and resources within our possession, by an earnest, well considered and businesslike system of measures looking to the material interests, and advancement of industry, enterprise and business in all their varied relations and objects.

There is no subject upon which action could accomplish so much, and inspire such immediate confidence, and attain such valuable results, as the management of the perplexing and difficult questions connected with the State debt. This question should be dealt with, without relation to party politics and totally independent of all party considerations. All classes of citizens are equally interested in its proper solution. The interest of capital and labor are alike involved. The property holder and the laborer bear to it the same relations. The debt is a lien upon the property of the State, the taxes are paid from the products of labor, and enter as an element into all contracts between the owners of property and those who occupy it, use it, or render it productive. The sweat of the brow, the honor and character of the State is, in the management of its property, in the management of its finances, therefore, not only party considerations, but all jealousies between classes, all animosities engendered by political strife or the unfortunate events of civil war, and all else that may be calculated to prejudice wise and judicious action, should be laid aside, or subordinated to the common interest and honor of the State.

The Bonds of the State, representing the old debt, as well as those representing the obligations incurred since the war, are of various classes, each bearing a different market value at present. The holders of one class may not feel that their interest is identical with that of the holders of another. Legislation, not well considered, or inadvertent, might seriously derange the present relative value of the classes, and further complicate and embarrass the whole question. Too great care cannot be observed in the initiatory steps that may be taken, should it be decided to take any action at all upon the subject.

With some classes of Bonds there are connected grave legal questions, involving, if not the entire amount of their face, certainly the amount that the State is under any moral obligation to pay. In some, the question of delivery and of fraud has arisen. In some the amount realized by the State, and the circumstances attending their sale, are important elements for consideration. Some are supposed to be prohibited by what amounts to a lien on Stock in the North Carolina Railroad. Some are supposed to be affected by the date of their issue, and others by the consideration upon which they are based. Persons holding only one class are not likely to take the same view as persons holding more or less of several classes. The holders are many, and are engaged in different branches of business, and in many instances reside in many localities. Some of the bonds are held by saving institutions, some by private persons and individuals, some by permanent investments, some by speculators in stocks and securities, and some by heavy capitalists and operators. Some are held in Europe and some in this State. I might mention other circumstances still, that would show to the Legislature the importance of a most careful and considerate dealing with this question. But it is necessary at present only to direct attention to this view.

The entire debt upon its face, with interest accrued amounts at this time, to nearly thirty-seven millions. No one supposes that the State is bound in equity or good conscience to pay the entire sum, as to many of the Bonds, the holders, by the manner in which they came in possession of them, are no more than mere trustees, for the benefit of the State or of the corporations, from whose agents they obtained them. Still, in justice, a certain amount is due them from the State. If this amount could be ascertained and equitably adjusted, it would materially reduce what now appears to be the amount of the State debt. But it is, and has been, hardly possible to undertake this through the courts, or otherwise, because of the ruined condition of the State credit, and the difficulty in raising the means to make any adjustment. It would, nevertheless, be an important feature in any plan that might be attempted by the Legislature in reference to the debt. How much it would reduce the present apparent indebtedness could be approximately ascertained by an investigation that would not involve serious expense or trouble. But the time required might be too great for informa-

tion to be had to the present session of the General Assembly, unless it should be provided by the usual length of session, by my last message, I recommended a commission to inquire into this matter, and, of course, more comprehensive and complete in its character, may be considered desirable, under present circumstances.

It has been suggested that some commission be effected with the creditors, to ascertain the whole debt could be paid, and the amount within the capacity of the State to pay. But in the present condition of the State credit, there is no such demand, other than that the new bonds of a uniform character be issued to take the place of the old ones, and to meet the existing obligations. The difficulty of the question is not in the amount, but in the manner of its payment. The commission suggested by me, and which I have recommended to the General Assembly, is not a commission to inquire into the amount of the debt, but to inquire into the manner of its payment, and to report thereon to the General Assembly. The commission suggested by me, and which I have recommended to the General Assembly, is not a commission to inquire into the amount of the debt, but to inquire into the manner of its payment, and to report thereon to the General Assembly. The commission suggested by me, and which I have recommended to the General Assembly, is not a commission to inquire into the amount of the debt, but to inquire into the manner of its payment, and to report thereon to the General Assembly.

The new debt of the State was created, in part, at a time when a considerable number of the property holders were disfranchised and denied all voice in public affairs. The balance of it was created in the midst of the excitement and confusion attending the operation of a new government, established under circumstances so unfavorable to the welfare of the State and its people, that they refrained from taking any part in it.

Besides this, there is a prevalent feeling among the people in all sections of the State, that the present debt is greater than they can possibly pay; that it is tainted with fraud, and unfairness; and that for many and various reasons it is not of the binding force and obligation that commonly attaches to the public debt of a State. They would be dissatisfied with an legislation looking to its full payment, or to raising by taxation any amount to meet the interest on it, as it now stands. With such a state of popular sentiment and feeling, known in financial circles to exist, the value of the bonds is necessarily depreciated and general distrust and insecurity is everywhere felt by the holders. A new class of bonds, based on an equitable and satisfactory adjustment, and having the assent and approbation of the people, of all parties, and at the same time for only such amount as is clearly within our ability to pay, would certainly be a better class of securities than those now outstanding. How far the creditors might be willing to make an exchange, and upon what terms, is a matter that it may be difficult to ascertain, and the difficulties surrounding any effort in that direction, when the subject is fully considered, seem almost insuperable. No proposition looking to repudiation, in the slightest degree, would be consistent with the honor and dignity of the State. Indeed it would be difficult for the State to make any proposition without the risk of affecting the market value of either all, or some of the bonds. This would embarrass the subject still further. The holders of some classes of the bonds might be willing to accede to a proposition which the holders of other classes would reject. No arrangement should be made that does not embrace all.

If the classes were settled it would induce the holders of the others to rise in their demands, or leave the subject in an unsettled condition, and perhaps even worse than now. There is difficulty in getting all the holders of any class to agree together. But it is more difficult still to get the numerous and widely separated holders of all the classes to agree upon the proportional value of their respective securities and to act in concert.

Those and other troubles are in the way of the suggestion that new bonds be authorized and offered. It is not likely that such a proposition, coming from the State, would meet with any success, at all. Besides it would have so much the appearance of a refusal to pay the debt, that I do not deem it consistent with the honor and dignity of the State. Should any proposition come from the holders of the bonds, it might be considered with less embarrassment and with more prospect of favorable results. But under no circumstances would it be well to attempt a partial settlement by the issue of new securities. Such settlement, if made at all, should embrace the entire debt at once, and leave no room for speculation and gambling, by combinations of certain holders of the bonds, or of outsiders who might attempt to get up complications and further interests antagonistic to a fair and just settlement of the matter.

I have not deemed it prudent to do more than to suggest the practical difficulties surrounding the subject, for the purpose of impressing the Legislature with the necessity of avoiding any ill-judged or precipitate action of a partial or uncertain

character. I have endeavored to get all the information possible on the subject, deeply feeling its immense and controlling importance, and its delicate character. I have sought suggestions and counsel from such sources as seemed to me most likely to be able to render aid in effecting a practical solution. Some consultation has been had with parties who hold or control very large amounts of the bonds, and whose commanding position, and character in financial circles, would enable them to do much towards controlling or influencing others. There have been many suggestions as to details, which seem to me to show that many of the difficulties may be avoided or overcome, by wise and careful management; and which lead me to believe that it is possible to effect a complete adjustment of the whole debt, to the entire satisfaction and interest of all parties. It will take some time, and may require successive steps.

I recommend that the Governor be authorized by resolution to appoint a commission, to confer under his direction, with the holders of the State Bonds, or their representatives, and to receive and report any proposition that such holders may desire to make. Such agents would have to be selected with full knowledge of, and with reference to, all the circumstances and conditions surrounding the subject, and be a person in whose discretion and honor the creditors will have entire confidence. Until this is done, I do not think it would be prudent to take any other step, whatever.

EDUCATION.

One of the most important duties of a free State is to educate its people. The greatest damage that can threaten the liberties of the Republic is ignorance among the masses. It renders easy the tricks of the demagogue, and opens the way for evil machinations of the ambitious and corrupt. With every citizen holding in his possession of political power, general education becomes a primary consideration to the welfare of the State and the happiness of its people. This of itself cannot be too strongly impressed upon the representatives of the people. It is the highest duty of legislators to address themselves assiduously to this subject, and to continue, to the extent of the capacity of the State, to secure continued progress in bringing to the door of every citizen the most ample facilities for education and sound instruction. But in North Carolina, the recent elevation of a large class of people to full and complete citizenship, who have never had the advantages of schools and general education, imposes this duty upon us in an especial and grave degree. It is not so much the higher branches of learning that is needed, nor the higher order of schools and colleges that claim your especial attention. A thorough system of common schools, placing their advantages within the easy reach of the laboring classes, is the great object to which your efforts should be aimed. There is no other object to which whatever of financial resource that is still left to the State, could be so advantageously and wisely directed and applied. There is no other object for which the people would so willingly submit to taxation, and to which they would so cheerfully contribute. Its benefits are not confined to one class more than another. The laborer, the business man, the manufacturer, and the property holder, have their interests and safety alike involved, in whatever elevates the masses, improves the lower condition of life, inculcates virtue and spreads general information and instruction. The whole fabric of Republican Government rests upon the humble foundations that are reached by the common schools.

How far the present condition of the State will permit you to go in this matter, is for your most serious consideration. But all should be done, that a prudent regard for the financial condition and capacity of the State will allow. It is especially unfortunate that we have not the power to do more than seems within our reach, at a time when so many voters are added to the political element of the State, most of whom are in total ignorance of even the rudiments of education. Every citizen ought to be able to inform himself of the facts and principles bearing upon the great duty, which he performs when he casts his vote, and adds his voice and will, in shaping the policy and administration of the government of his country. Not being able to read, is no just cause for denying the right of suffrage, and under the Constitution the requirement of any such qualification is wisely and justly prohibited. But it is incumbent on the government, which secures this right, and must be affected by its exercise, to put within the reach of all its citizens the amplest facilities for qualifying themselves for its enlightened and judicious enjoyment and use.

It is not the State only, but the whole nation as well, that has its interest and safety involved. There is perhaps no subject connected with the Southern States of the Union, where, by action of the National Government, a large number of uneducated citizens have been recently invested with the power of the ballot, that so demands the attention and action of Congress. Its beneficent and kindly offices to these States could not be, in any other manner, so effectively displayed, and be attended with such immediate and beneficial results, as in providing the means for

general, popular education. Propositions of this character have been introduced and considered in the National Legislature, and it is hoped they will be speedily adopted, and put into execution. How far you might influence or hasten this by your action should be considered. Besides, such general manifestation of an honest desire to place the State in full accord with the Nation, and to carry out in good faith and in practice the "new order of things," to which I referred more pointedly in the beginning of this message, it might not be inconsistent with the dignity of the State to call the attention of Congress to the wants and necessities of our people on this subject. Certainly a collection of the showing the true condition of the State, in an educational point of view, will, in detail the best practical method for its improvement, might aid in shaping and passing whatever legislation it may be the purpose of Congress to adopt.

For the education of a people, which may serve as a precedent, and which, in fact, is more comprehensive legislation than has been given for Railroads and other purposes in some of the States, North Carolina has never had any direct benefit of this character, because, perhaps, none of the public lands lie within her borders, and the policy observed in granting such donations has confined them to lands contiguous to the roads or within the borders of the States directly interested. In the early history of the government, North Carolina surrendered to the United States a vast amount of lands, comprising some of the most valuable portions of the public domain. The surrender was absolute, reserving no right or interest, upon which the State could found any legal claim, because of any disposition that might be made of the lands, or of any advantages that might accrue, especially to others, from the manner in which they might be managed. It was an act of patriotic devotion to the Union, and designed for the common good of the Republic, under all the exigencies and possible contingencies which might arise in the chances and changes of its future. The unlooked for and calamitous events of the last ten years have wrought changes in the condition of this State, that tax its utmost energies to meet in any manner, further than is merely calculated, in some degree, to diminish surrounding evils and open up prospects and hopes of further improvement. The common good of the Republic is affected by the condition of its respective members, whether that condition be of prosperity or adversity. It is affected also by the condition, character, and capabilities of its citizens in each of the States and is inseparably connected with and dependent upon their elevation and advancement in all the relations of life—in virtue, intelligence and thrift. Wherever popular education and general instruction are influencing the masses, cannot be speedily remedied by the usual means and from the usual sources, because of events bearing generally and widespread calamity and misfortune, it would seem the highest duty of the national government, in its guardianship of the common interests, to direct its aid and friendly offices.

I may be allowed to express the hope, that the Legislature, at its present session, will be able to devise means to make great and much needed improvements in our common schools, increasing them in number and efficiency, and in the length of time they shall be kept in operation during the year. As regards the University of the State, I refer to my recommendations in my last message, because I see no cause to change or add to them, and no reason to doubt their propriety and correctness.

THE ELECTION LAW.

I need not attempt to impress upon you the duty of so providing by law as to secure fair and honest elections in the State. During the past year two very important elections have occurred. That in August was for Executive and County officers, for members of the Legislature, and for members of Congress. That in November was for Presidential Electors. It is charged by both of the respective political parties, that frauds were committed to an extent if true, that imperatively demands very material changes and improvements in the election laws of the State. To some features of the present law, I invite your special attention. First—It requires the ballots to be on white paper and without device. Why this requirement should be made, I have been unable to conceive, and no one has been able to suggest a plausible reason for it. Large numbers of the voters are unable to read. They are liable to be deceived by dishonest and evil disposed persons imposing upon them tickets, which they do not desire to vote, and the names upon which are not those they intend. To prevent this kind of fraud upon illiterate voters, it has always been the custom of parties to use paper of different colors, or to distinguish their tickets by some device. Besides, the advantage to such voters as are unable to read, the use of colored paper or devices on the tickets, makes it more difficult for dishonest poll-holders to substitute one ticket for another in passing them into the boxes, or to make a false count when they are taken from the boxes in presence of bystanders. It seems to be well established, especially in August elections, that in many counties, and often in many precincts in the same county, there were frauds practiced to an extent, which could not have occurred, had they not been facilitated by this feature of the election law.

Second—The challenging of registered voters on the day of election, at the precinct where they are duly registered ought not to be allowed, and in this respect a change in the law ought to be made. Such challenges in the recent elections, were in many cases made capriciously, and on evidently frivolous grounds and for the purpose of so delaying and retarding the election as to prevent many from getting an opportunity of depositing their ballots within the hours prescribed for voting. This has been practiced mainly at precincts where there is a large number of colored voters and where the white voters are almost entirely of one party.

Third—The illiterate voters of the State were greatly confused at the August election by being compelled to vote upon four separate pieces of paper and in four separate boxes. It is difficult to conceive any good reason why this requirement should be kept in law. At a very large number of the precincts, voters were put, by accident or by design of the poll-holders, into wrong boxes, and were rejected in the count. In this way many citizens were, in effect, disfranchised. It is noticeable that almost all the precincts, where this occurred to any considerable extent, there were large numbers of colored voters, who were unable to read and therefore could not assort and deposit their ballots themselves. There are other features of the law to which I called the attention of the last Legislature in my message to which I would respectfully refer your Honorable Body.

Any feature in the law calculated to attain a valuable result may be submitted to, for the sake of such result, although it may inconvenience or bear hardly upon the illiterate voter. Even when it opens the door to possible fraud and imposition, if the main object to be attained is necessary to a fair election, and cannot be as well attained in any other way, it may be better not to make a change. But in those features, and especially in the first, where no possible good can be obtained or suggested, an impression is produced upon the people that the purpose is to open the way for fraud and unfair practices upon certain classes of voters.

I have deemed it my duty to call your attention particularly to this subject, because it is reported and believed by many, that the frauds practiced in the elections this year, under those features of the law, reached many thousands of votes. Such an impression produces dissatisfaction and discontent among the people, and brings reproach upon the laws and law-makers of the State.

LEGISLATIVE APPOINTMENT.

The last General Assembly proceeded to appoint Senators and Representatives. It is exceedingly doubtful whether they had any right to do so, at that time, and whether the present Legislature has not been chosen in violation of the Constitution of the State. I do not now propose to raise so grave a question, but simply to call your attention to some of the details of the act.

The Constitution provides that "each Senate District shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory."

In the present apportionment this unalterable provision of the Constitution is palpably disregarded. Two distinct elements are required to enter into the formation "Senate Districts." First, they "shall contain as near as may be, an equal number of inhabitants." Secondly they "shall at all times consist of contiguous territory."

The first requirement is disregarded in the present apportionment to an extent that could not possibly have been inadvertently done. By it thousands of the people are without due and lawful representation in the Senate, and are virtually disfranchised. It is difficult to express, in becoming language, what even honest men in the State must feel, when they consider the facts and circumstances attending so plain a disregard, not only of the Constitution itself, but of the right of the people to fair and impartial representation. I deem it my imperative duty, without reserve, to lay the matter before you in detail, that the reproach may rest where it properly belongs, and in the confident hope, and belief, that this General Assembly will, by prompt action, show to the country its appreciation of what is just and proper, and give full and rightful weight to the manifest voice and will of the people.

The entire population of the State, by the Census of 1870, is one million, seventy-one thousand, four hundred and fifty—making twenty-one thousand, four hundred and twenty-nine inhabitants the exact number each Senate District should contain, if perfect exactness could be obtained. But the Constitution does not require perfect exactness. It requires an approximation "as nearly as may be." This approximation can in all cases be very nearly attained by grouping counties together, and when some of the more populous counties must be embraced in a District, by making it large enough to take more than one Senator, thus equalizing and giving weight to every large excess in a county. Eight of the Districts in the present apportionment have allotted to them two Senators each, instead of one. But this appears not to have been done in scarcely a single locality, where it was necessary to secure an approximation to equality in the number of inhabitants. The Convention, which ordained the former apportionment, had only the Census of 1860 for a guide. The changes wrought by the war, in the relative population of the counties and sections of the State, rendered the data of the Census of 1860 unreliable. In consequence of this, some inequality occurred which was disclosed by the Census of 1870. To correct this inequality was the only plausible reason alleged for hastening, under doubtful authority, a new apportionment. It is remarkable that the new apportionment, undertaken for such reason, should be made more unequal and unfair than the one it was intended to correct. Having the Census of 1870 before them, it is difficult to conceive how it was possible for the last Legislature to mistake so grossly, and to fail so entirely, in respecting the constitutional provision, designed to protect the most essential and fundamental of all popular rights—that of equal representation.

I will, for preciseness of demonstration, call attention to a few of the very many glaring instances that may be found throughout the new apportionment. I select for this purpose, ten of the forty-two Districts. In this ten, are included three of the eight double Districts, in order to show that they were not made double for the purpose of approximating equality in population. Bearing in mind that 21,429 is the ratio of population, required by the Constitution to be approximated "as nearly as may be," the startling violation of this requirement may be seen at a glance.

There is allotted to the		
1st District.	Population	Senators
10th "	33,686	2
24th "	35,617	2
18th "	35,617	1
23d "	15,708	1
12th "	27,978	1
14th "	16,436	1
3d "	27,699	1
2d "	16,897	1
31st "	17,414	1

By grouping these Districts in various ways, the total disregard of the ratio of population, viz: 21,429, which the Constitution requires to be approximated "as nearly as may be," becomes still more glaring. There is allotted to the		
1st District.	Population	Senators
3d "	27,699	1
12th "	27,978	1
18th "	35,617	1
Total population	141,309	5
10th District	Population	Senators
14th "	16,436	2
17th "	16,897	1
23d "	15,708	1
24th "	33,610	2
31st "	17,414	1
Total population	133,751	8

Thus it appears that a population of 141,309 is allotted but five Senators—while another population of only 133,751 is allotted eight Senators. The ratio for the five is 28,261, while the ratio for the eight is only 16,719. According to the ratio required by the Constitution to be approximated, the five Senators would be increased to six, with an excess of 12,735 population, while the eight would be reduced to six with an excess of only 5,177.

There is allotted to the		
3d District	Population	Senators
12th "	27,699	1
18th "	35,617	1
Total population	63,316	2
14th District	Population	Senators
17th "	16,436	1
23d "	15,708	1
Total population	49,041	3

Thus it appears that a population of 63,316 is allotted but two Senators, while another population of only 49,041 is also allotted three. The ratio for the first three is 21,105, while the ratio for the other three is only 16,347. According to the ratio required by the Constitution to be approximated, the first three would be increased to four with an excess of 5,752 population—while the other three would be reduced to two with an excess of 6,188. The ratio applied to the three representing the 49,041 population would, if applied to the other three, increase them to five with an excess of 9,609. There is allotted to the

There is allotted to the		
10th District	Population	Senators
24th "	33,610	2
Total population	67,296	4
12th District	Population	Senators
18th "	35,617	1
Total population	63,595	2

Thus it appears that a population of 63,595 is allotted but two Senators, while another population of only 67,296 is allotted four. The ratio for the two is 31,797, while the ratio for the four is only 16,824. According to the ratio required by the Constitution to be approximated, the two would be increased to three with a deficiency of only 692 population, while the four would be reduced to three with an excess of 3,069.

There is allotted to the 18th District, population 35,617, 1 Senator.

There is allotted to the 23d District, population 15,708, 1 Senator.

According to the ratio applied to the 23d District the 18th would be entitled to two Senators and have an excess of 4,199 population. The history of the government, it has sometimes occurred, in three of the one of the States, that in the midst of high party excitement, the laying off of Districts for representatives has been more or less unfair. But such unfairness consisted in grouping together territory, and forming Districts in grotesque shapes, for the purpose of securing the vote of party majorities, supposed to exist in certain localities. The palpable disregard of the amount of population, in violation of express law and the consequent disfranchisement of thousands of the people, has seldom if ever been ventured upon anywhere. Heretofore, this unfairness has been confined to Congressional Districts, laid off under the requirements of acts of Congress. While all laws, both State and national, should be strictly observed, the requirements of the Constitution, which Legislators take a solemn oath, in no respect to violate, might be supposed to be too sacred to be willfully disregarded, however high and bitter party excitement might run.

The requirement, that each Senate District shall "consist of contiguous territory" has been technically complied with in the new apportionment. But it can hardly be said that the spirit of the law has been observed. In several instances some of the counties composing the Districts, only touch at their corners, such an evasion of the intent and policy of the Constitution, ought to be avoided in all cases. The new apportionment for the House of Representatives is, in many respects, though in less degree, subject to the same animadversion as that for Senators. But I refrain from details, because the facts are within your reach, and attention having been called to the one, inquiry will necessarily be aroused as to the other.

In making a party apportionment, the result of the last and unfair apportionment has been to give one party a large majority in the Legislature, at an election in which the other party, in the popular vote of the State, had a majority of thousands—not only in the vote for State officers, but greater still in the aggregate for Senators and representatives in our Legislature and for members of Congress. This circumstance, given prominence, not only in the State, but in the whole nation, to that which we must all regret, and which will live in the history of the State with reproach.

I recommend that the Legislature take such action on this subject as shall remove this scandal from our statutes, and make the apportionment conform to the requirements of the Constitution.

CONGRESSIONAL APPOINTMENT.

The disregard of equality and fairness in the new apportionment for members of Congress under the census of 1870, is little less striking than that for members of the Legislature. With a population of 1,071,450, North Carolina is allowed eight members of Congress. The ratio which should be approximated as nearly as possible for each Congressional District is 133,931 inhabitants.

In the present apportionment the		
1st District has	122,811 inhabitants	
2d "	150,936 "	
3d "	143,566 "	
4th "	139,798 "	
5th "	122,831 "	
6th "	139,003 "	
7th "	119,218 "	
8th "	133,201 "	

It will be observed that the Second District has 31,618 more inhabitants than the Seventh, and has an excess of 17,005 over the regular ratio. The extraordinary, inconvenient and most grotesque shape of this Second District precludes all pretence that convenience of territory entered, in the slightest degree, into the motive for disfranchising 17,000 of its people. The same may be said of nearly all the other Districts. Their shape cannot be characterized otherwise than as absurd and ridiculous.

The Second District has an excess of 17,005; the Third District an excess of 9,633; the Fourth, an excess of 5,855; and the Sixth an excess of 5,072. The First District has a deficiency of 11,120; the Fifth a deficiency of 11,100; the Seventh a deficiency of 14,613. A mere glance at the map of the State is sufficient to convince any one that no consideration of contiguity or compactness of form could possibly have entered into the motive for creating instances of such unprecedented excess and deficiency in the population of the District.

Under this apportionment, one party has elected five members out of eight, while the other party, in the aggregate vote for members, had a popular majority of over three thousand. This glaring result shows how little the will of the people has been respected and how much their rights have been denied. Taken in connection with the disparity in population, and the ridiculous forms in which the Districts have to be laid off to produce it, the result is doubtless sufficient to challenge prompt and corrective attention of this General Assembly. But it has attracted the attention of the whole country by the enormities of the outrage upon popular rights, and has given weight to the impression that demoralization, lawlessness and dishonesty, pervades the government of some of the Southern States, no matter what party may chance to have the ascendancy for the time being. It is hoped for the character of North Carolina, that the present Legislature will be able and willing to remove such impression, so far as regards this State, by fairness, moderation and a strict observance of whatever is just and right and becoming the representative of a free and virtuous people.

PENITENTIARY.

It is not within my power to lay before you any official information with regard to the State Prison, for the reason that those who have it in charge have not deemed it necessary to make any report of their transactions to me. I take it, granted, however, that they will undertake to inform your honorable body of the progress of the work and of the management and condition of the institution. I deem it my imperative duty, nevertheless, to state that rumors, to which I cannot turn a deaf ear, because of the frequency of their repetition and the sources whence they emanate, are in circulation to the effect that the treatment of some of the convicts has been inhuman and that punishments have been inflicted which are both cruel and unusual, and which call for a rigid and searching investigation. It is needless to specify instances of barbarous treatment or to give the names of the unfortunate victims, as it would only tend to bring reproach upon the State and raise our neighbors wonder that such crimes could have been committed or tolerated in a civilized or christian land. If the Legislature shall deem it proper and expedient to institute an enquiry as to the truth or falsity of these rumors, so as to be able to correct if needed, it will afford an opportunity for such information to be laid before the subject to a proper committee and to furnish it with such reported facts as have been furnished to me.

DEAF AND DUMB AND THE BLIND.

The management of the Institution for these unfortunate classes of our citizens, has for the last twelve months been under the direction and control of a Board of Trustees appointed by the General Assembly, and not by the Executive of the State. It is to be my duty, under the Constitution, and being satisfied that this institution, and being satisfied that the Legislature, by making the appointment of Trustees, had usurped powers not delegated nor intended to be delegated to it, but had encroached upon the duties, rights and powers of the Executive Department of the State, and being established in that belief, by a solemn decision of our Supreme Court in the case of Oak and others against Stanley and others to be found in the 66th volume of the North Carolina Reports, I discharged what I believed, and still believe, to be my bounden duty, by appointing a Board to take charge of this Institution. The persons appointed by me endeavored to get the control, and with that view made demands upon those in possession for the keys, property and effects and upon their refusal, to render, brought suit in the Superior Court of Wake County to determine conflicting rights. This suit was decided at the last term of said Superior Court adversely to the Legislative appointees and has since been by appeal to the Supreme Court of the State, and is there awaiting a final determination. If the party in possession of this Institution, shall deem it proper to report to your honorable body through the Executive of the State, it will give me thereby recognizing or disrecognizing, the legality or validity of my appointment to occupy the place they now hold, or to administer the offices they now claim.

In making appointments of agents to take charge of the reformatory and charitable institutions and also of the public works in which the State owns an interest, I earnestly desired and endeavored to remove them out of the arena of politics by placing good men of different political persuasions upon the various boards; that this effort at reconciliation did not meet with the favor which it merited and which I still believe it ought to have secured. The people never intended that the Reformatory and charitable and public Institutions should be made subservient to party interests, and much to my mortification I have been made to appear as using them in the interest of one party only because my proffers to another party were repelled by those upon whom I sought to confer a portion of the honor and responsibility of administering these public Institutions. In whatever aspect the matter may be viewed I have the satisfaction to know that my conscience is easy and assures me that no censure can rightfully attach to me.

INSANE ASYLUM.

The annual report of Dr. Eugene Grison, the worthy and efficient Superintendent, shows the operations at the Insane Asylum to have been conducted with marked success and unusual ability. The whole number of patients treated is considerably in excess of most former years and the Institution has been crowded to its utmost capacity, and notwithstanding every effort to extend its benefits to all many of our unfortunate ones have been necessarily turned away for want of room. It is estimated that there are quite as many insane persons within the State outside of the Asylum in need of immediate care and treatment as are within enjoying its benefits and advantages. This afflicted and dependent class of our population are, upon the principles of christian charity as well as by the provisions of our State Constitution, recognized as the wards of the State whose duty it is, not only as a matter of philanthropy, but also of political economy, to provide for their early treatment and speedy restoration to health and usefulness. This can only be done by an increase of accommodations, and to secure that end, I recommend the establishment of a branch Asylum at some accessible point in the Western portion of the State, where pure air and good water abound, and where the necessities of life are to be found in profusion, and at a low price.

The finances of the Institution, according to the report, have been managed with a proper regard to economy. The appropriation for the present fiscal year was less than usual and will not be sufficient to meet the necessary expenditures. I commend the report of the Superintendent to your careful consideration for the information it imparts relative to the subject of insanity, and refer you to it for a detailed statement of the affairs and management of the Institution.

INTERNAL IMPROVEMENTS.

Although our debt is so great, and our finances in such a deplorable condition, yet I cannot refrain from recommending the Legislature to extend its kindly aid to the work known as the "Marion and Asheville Turnpike," traversing the counties of McDowell, Mitchell, Yancey, Buncombe, Watauga, Ashe, Alleghany, Wilkes and Caldwell, already chartered and partially completed. The counties through which the line of this road is located, embrace a large region as can be found in North Carolina. The soil is rich and fertile—the water-power unsurpassed in America—the climate salubrious and healthy—it stands unvaried for fruit—the grasses spring spontaneously from the earth, affording pasturage for herds upon every hill and in every dale—and it is peopled by as hardy as hospitable and as true a population as can be found under the sun. Comparatively little has been done for this people and now they come before you and ask only a small boon at your hands—the completion of the highway which your predecessors promised them should be built. They do not ask millions for a railroad; they know you are not able to give that, but they do ask, as I demand, that you appropriate a few thousand dollars to enable them to transport their produce to market, and afford them an outlet from their mountain fastnesses to the commercial marts of the world. If this road should be speedily finished, it will so increase the resources, and so enhance the value of property in the counties through which it passes that in an incredibly short time, thousands of dollars will flow into the public treasury where now only hundreds are realized, and during the hot and sickly season our people, living in localities less favored for health, will flock to the beautiful mountain country and spend their time and money among our own people, rather than resort to a distant land, at such heavier expense and to a climate less beneficial to the suffering traveler. For these considerations, and for many others which might be enumerated, I earnestly urge upon you the great propriety, I may say absolute necessity of making a liberal appropriation to this work.

SWAMP LANDS.

There are some half a million of acres of swampy lands yet remaining in possession of the Board of Education. No new sales have been effected, but the Board has contracted with a company for the development of one of the largest bodies of these lands, (White Oak Swamp, about 85,000 acres in extent), on such conditions as it is hoped will bring it into market; and the success of this enterprise, of which there is a good prospect, will, it is believed, lead to others of a similar character, and to the speedy utilization of this valuable, but hitherto unavailable resource of the educational fund.

THE GEOLOGICAL SURVEY.

For the progress of this work, its mode of operations and results, you are referred to the accompanying report of the State Geologist, and especially to the more comprehensive report now in press, and which will soon be laid before you. The publication of these reports is awaited with much interest by the immigrant and capitalist, who are dependent upon them for that exact and detailed knowledge of the resources and capabilities of the State upon which all their calculations and prospects are based, and nothing can more effectually and immediately promote the influx of population and capital than the development of the survey as its progress reveals, its growing collections illustrate, and its official reports authenticate to the world the existence of extensive mineral resources which are everywhere in demand as the essential materials of the most important industries, and of the broadest agricultural capabilities and climatic adaptations. It is the duty of the management and congruous to the dissemination of such information, already producing important results, the recent survey has recommended us of many intelligent and enterprising strangers, and in the setting on foot of several extensive undertakings which are likely to result in the early development of some of our most valuable mineral deposits and in the inauguration of new manufacturing industries on a large scale. But the most immediate and important bearing of the work of the survey is exerted upon the agricultural interests of our people, and it is in this view, especially, that it deserves every encouragement at your hands and if practicable an enlargement of the scope of its operations, as upon the improvement of our agriculture manifestly depend all solid and substantial progress and prosperity of the State, and no one recognizes more clearly than the intelligent farmer the necessity of more effective methods of applying their industry to the soil and to the utilization of such means of improved life, as intelligence, experience and advanced science may bring to light and render available.

IMMIGRATION.

I have but little to add to what was said in my last annual message, on the subject of immigration and beg to refer you to it as containing my present views. I cannot, however, pass the subject by without insisting that early and efficient measures be adopted to influence a portion at least of the great tide of immigrants to locate in North Carolina. There is no part of the habitable globe more inviting to those seeking a home.

Heretofore, many have been deterred from settling among us by feelings of insecurity to their persons and property, instilled into their minds, by reports of the unsettled condition of the State, the result of the bitter political animosities which existed and prevailed to an alarming extent among our citizens. This unhappy state of affairs, I am rejoiced to believe, is fast passing away, and the good messenger of Peace is once more spreading his balmy wings over our stricken State. May God speed the day when we shall all dwell together in unity and love, and "unwarped by party rage" live like brothers.

It is surprising to see how much has been accomplished in the way of inducing strangers to settle in our State, by a few individuals, having no means at their command except such as was furnished from their own purses. They deserve all praise for their industry and perseverance in this laudable and patriotic enterprise, and are entitled to receive liberal aid and encouragement from the State whose prosperity and glory they are striving to build up and perpetuate. I deem it necessary only to direct your attention to this subject in order to insure your co-operation and to secure material aid for its advancement and success.

DIGEST OF PUBLIC STATUTES.

The General Assembly at its last session appointed HENRY H. BATTLE, a commissioner to collate, digest and compile all the public statutes of the State and to distribute them under such titles, divisions and sections as he may think proper. He accepted the appointment and has performed the duty assigned him, with signal ability and care, and I herewith submit to you the result of his labors. It has been out of my power to give the work a thorough examination, but in looking over it cursorily it appears to me to have been faithfully executed. A revision of the public statutes is much needed at the present time, and I hope and believe that the present compilation will meet the public expectation and favor. The change which was made in our fundamental law by the adoption of the constitution of 1868; the abolition of the distinctions between actions at law and suits in equity, and of the forms of such actions and suits, and the reduction of them into one form of action, besides the adoption of an entire new code of civil procedure, and the many statutes which have been enacted to carry these changes into effect, have necessarily tended to produce more or less of confusion in our statute law. A well executed revision must have the effect to remove this difficulty and make the statute law more plain and easy to be understood.

The report which the commissioner has made to me and which I herewith transmit to you will show the plan upon which he has proceeded in making his revision and how he has executed it. I recommend its adoption with such amendments as you may think proper to make, and then to order its publication at as early a day as practicable.

The last section of the statute under which the commissioner has acted provides that he shall be allowed until the meeting of the General Assembly to complete the duties assigned him, and as a compensation for his services that he shall be entitled to sell copies of the work, and shall be paid fifteen hundred dollars. This postpones his pay for services already rendered, until an additional and most important part of the work, to wit, the preparation of a new code of civil procedure, shall have been completed. Considering that he has performed all the duties which can be performed on the work until year body shall make provision for its publication, I recommend such a change in the law as to allow a fair and liberal compensation to him and his clerk for their services, to be paid out of any money in the treasury not otherwise appropriated.

INSURANCE COMPANIES.

The business of Insurance, Fire and Life, has reached such vast proportions, covering over \$7,000,000,000 of fire risks in the United States, and over \$4,000,000,000 of life risks that in my opinion it is the duty of the State to exercise over them some supervisory authority. Such immense sums are paid by our citizens annually, causing quite a drain in the resources of the State, that it appears to me protection to policy holders should be provided by law—not only should an efficient remedy exist to force insuring companies to a prompt fulfillment of their obligations but they should be compelled to furnish to the public reliable information as to their financial condition.

In many, perhaps most, of the States provision is made for protecting their citizens. Annual statements are required, showing capital stock, assets, liabilities, loans, investments, receipts, expenditures, policies in force and expired, &c., &c., in fine every item needed to show the actual condition of the company effecting insurance. Power is given to stop the operations of any company which is shown not to be in a healthy condition. An officer is charged with the duty of enforcing these provisions. In some States the duty is imposed in the Auditor, Secretary of State, or other existing officer, but generally a special officer is created, the expenses of which are defrayed by the companies. The National Insurance Convention of the United States, held in New York in 1871, composed of delegates from almost every State of the Union, and convened in the science of Insurance, have recommended the passage of a general Insurance law—a copy of which, prepared with great care and at some length, is herewith submitted for the information of the General Assembly. If the Assembly declines to go into general legislation on the subject, I recommend that attention should at least be given to the consideration of a law authorizing policy holders to bring defendant companies into court by an "easy available process." Certainly our citizens should not be compelled to resort to the tribunals of distant States, in the address is refused them.

The exercise of State supervision over Insurance companies has been attended with the happiest results. They have been stimulated and forced thereby to greater care and diligence, to more careful study of the principles of the science, unsafe and fraudulent companies have been exposed and crushed, and the vast benefits flowing from these beneficent institutions have been wonderfully extended among all classes.

RAILROADS, CANALS, &c.

No reports have yet been made to me relative to the management, condition or finances of any of the Railroads and Canals in which the State owns an interest, consequently I am unable to impart any official information which will be of practical value or which will materially aid in any legislation that may be deemed necessary with regard to them, I hope it may be in my power to get such information soon as will enable me to address a special

message to you on this subject. In the mean time, I think it advisable to call your attention to a rumor, which has obtained some circulation, but concerning which I have no reliable information, to the effect that it is contemplated by the company having possession of the North Carolina Railroad, to alter its gauge from Charlotte to Greensboro, so as to make it conform to that of the Richmond and Danville Road, and different from that of the other North Carolina Roads. If this contemplated change be made, it will, in my opinion, be detrimental to the interests of the State and will injuriously affect the people for whose benefit the road was built, and may make it a Virginia, rather than a North Carolina highway. There will necessarily be a transhipment of passengers and freight going from one portion of our State to another, at considerable inconvenience and expense, while passengers and freights going out or coming into the State will not be subjected to either additional expense or trouble. As a North Carolinian, I protest against having our interests or comforts made secondary or subservient to those of any other State or people. Let us first accommodate our own people, who have been taxed to build our roads, and then be as obliging to others as circumstances will permit. I therefore respectfully suggest that this matter be looked into, and that you so legislate as to prevent any hurt to North Carolina.

MILITIA.

I desire to reiterate to you, what I said twelve months ago to the General Assembly, upon the subject of the militia. I consider it a reproach to the State, that we have no well regulated militia, nor any law on our statute book under which it can be organized and made effective. In the event of invasion or insurrection we are powerless and at the mercy of the invaders and insurgents; in fact we are not in condition, nor are we, with the present militia law, to even quell a riot, stop a mob, or disperse an unlawful assemblage of any considerable number of persons. I again, respectfully, but earnestly urge that some efficient steps be taken to put the State in a better condition of defense and for the sure protection of the people. The attention of your honorable body is invited to the report of our worthy Adjutant General, and his recommendations and suggestions are recommended to your favorable consideration. To properly organize the militia will require much time and labor, and the service of the one skilled in military affairs will be needed. It is not to be expected that any one, fit for the work, will undertake it for the inadequate salary now attached to the office, and I therefore recommend a fair and reasonable compensation be allowed the Adjutant General, at least until the militia is fully and thoroughly organized.

RESIGNATIONS AND APPOINTMENTS.

On the 17th day of April, 1872, Hon. C. C. Pool tendered his resignation as Judge of the First Judicial District, which was accepted, and Hon. Jonathan W. Albertson was appointed on the 18th of April to succeed him.

Jonathan W. Albertson, Esq., Solicitor for the First Judicial District, resigned said office on the 18th day of April, 1872, and on the 19th Willis Bagley, Esq., was appointed his successor.

Hon. Robert P. Dick, an associate Justice of the Supreme Court, resigned his office on the 18th day of April, 1872, and one has yet been appointed to fill the vacancy.

John A. Richardson, Esq., Solicitor for the Fourth Judicial District, died in June, 1872, and Edward Cantwell, Esq., was appointed in his stead on the 20th of August following.

Stephen Lunsford, Esq., member elect to the House of Representatives from the county of Lenoir, died on the 18th of September. An election to fill the vacancy was ordered and held on the 6th day of November.

Harrison Frazer, Esq., member elect to the House of Representatives from Randolph county, died on the 11th of October. An election to supply the vacancy was ordered and held on the 6th of November. It may not be inappropriate, nor out of place in this connection, to notify the General Assembly of the great loss the State has sustained by the recent demise of the Rev. James Reid, who was chosen at the August election as Superintendent of Public Instruction. This bereavement will be deeply felt and sincerely deplored by a large circle of personal friends, of all parties and both races, throughout the State. Those who knew him best will most keenly feel the sad affliction. It may be truly said of him, that a warm friend, a genial companion, a good man, and an exemplary christian has gone to rest.

REPORTS.

Herewith are transmitted the reports of the heads of the various State Departments and others, to which your attention is most respectfully invited, and the suggestions therein contained are commended to your serious and patient consideration.

PARDONS AND COMMUTATIONS.

In an appendix attached to this communication, will be found the pardons, reprieves and commutations of punishment, which have been granted since my last annual message, with the reasons fully set forth which prompted the exercise of executive clemency in each case.

CONCLUSION.

Having discharged the duty imposed upon me by the Constitution, I hope in a manner partially, if not entirely acceptable, to your honorable body, I take leave of you for the present by offering to you the assurance that every effort on your part to build up the resources of our State, and increase her prosperity, and perpetuate her good name, shall receive my most hearty co-operation.

TOD R. CALDWELL.

EXECUTIVE DEPARTMENT.

Raleigh, 18th Nov. 1872.

NOTE.—Since writing that portion of the foregoing message which pertains to the Institution for the Deaf and Dumb and the Blind, a report has been made to me of its condition, &c., which is herewith transmitted.

T. R. C.

AT ZEVELY'S
Drug Store,
POST OFFICE BUILDING,
SALEM, N. C.
EXTRA FINE COMBS.
TOOTH BRUSHES, RING BINGS,
WAXY EXTRACTS,
MILK LIP, GUM KIDNEY, &c., &c.,
AT REASONABLE PRICES.
November 24, 1872.

Poetry.

FORGET THEE.

BY THE REV. JOHN MOULDER.

Forget thee! If to dream by night,
And muse on thee by day,
If all the world's deep sleep is wild,
A poet's heart can say—
If prayer in absence breathed for thee,
To Heaven's protecting power,
If winged thoughts that fit to thee,
A thousand in an hour—
If busy fancy blending thee
With all my thoughts and care,
If this thou call'st "forgetting," thou
Indeed shalt be forgot.

Forget thee! Bid the forest birds
Forget their sweetest tune,
Forget thee! Bid the sea forget
To swell beneath the moon;
Bid the thirty evening flowers forget
To drink refreshing dew;
Thyself forget thy own dear land
And its mountains wild and blue;
Forget each old familiar face,
Each long-remembered spot—
When these things are forgot by thee,
Then thou shalt be forgot.

Keep if thou wilt thy maiden peace
Still calm and fancy free,
For God forbid thy gladness turn
Should grow less glad for me;
Yet while that heart is still unwon,
Oh! bid not mine to love,
But let it muse its humble faith
And uncomplaining love.
If these preserved for patient years,
At last avail me not,
Forget me then! But never believe
That thou canst be forgot!

Select Miscellany.

A Notable Watch.

The New Orleans Times of the 30th ult., has a sensation about General Lafayette's watch, presented to him by George Washington, which was stolen from him in Tennessee when he visited this country in 1824. The Governor of Tennessee at that time offered a reward of one thousand dollars for its return, but no traces of it was discovered. The Times says:

The years passed on, and with their lapse the recollection of the circumstance faded away. Lafayette died in 1834, and for the space of forty-eight years the stolen watch bore an unknown history. At the end of that time, but a few days ago, a gentleman residing in this city, while visiting Louisville, attended an auction sale at a junk shop, where, strange to relate, he found among the articles offered a watch, which upon examination, he discovered to be the long lost watch of Lafayette.

Suffice it to say that he eagerly purchased it, and as quickly formed the resolution to transmit it to the family of General Lafayette, now residing in Paris, pending which transmission, however, the gentleman has brought it to his home, and has consented to its exhibition for a few days at E. A. Tyler's jewelry store, on Canal Street.

The watch is open faced, of gold, with a double case, and may be remarked of a peculiar appearance, being of only ordinary size, but nearly as thick as it is wide. The outer case bears upon its surface carved figures, in bas relief, representing the picture of Mars offering a crown to the Goddess of Peace, who is surrounded by her emblems, while over all appears the stern implement of war, hung high out of reach. On the inner case appears the very clearly legible inscription:

"J. Washington
To
Gilbert Maitiers de Lafayette.
Lord Cornwallis's Capitulation.

On the covering of the works is seen the makers name—E. Halifax, London, 1759.

Mount Vernon and the Tomb of Washington.

A meeting of the Vice-Regents of the Mount Vernon Association took place at the Hoffman House, New York, on Friday last. There were present Mrs. Mitchell, of Wisconsin; Mrs. E. of Georgia; Mrs. Brooks, of New York; Mrs. Halsted, of New Jersey; Mrs. Hudson, of Connecticut; and Mrs. Sweet, of Maine; General Harwood, of the Adjutant General's Office, assisted. Several business matters came before the meeting, and gratifying reports were received of the management on the estate, which has lately been put in charge of Colonel Hollingsworth, who holds the offices of Resident Secretary and Superintendent. Under the new arrangement all the rooms in the mansion have been thrown open to visitors, which could not conveniently be done during the occupation of the Regent, whose ill health has often confined her to her apartment. The objects of her residence at Mount Vernon having been accomplished, she will now return to her own home, and the ladies hoping to secure the continuance of the new arrangement entered into in the installation of Colonel Hollingsworth, whose careful supervision of the estate and courteous attention to visitors give great satisfaction to the Association and are daily becoming better known to the public.

A STRAW-PEDDLER WORTH HALF A MILLION. New York paper says: "Old Wight, the straw peddler, is a character. For more than forty years he has peddled straw in this city and Brooklyn, and the poverty of the population to make straw beds, six-five years ago or thereabouts, he is still young and active. He has an honest, farmer-like look, and wears old and patched garments of an ancient fashion and appearance, but which, nevertheless, look comfortable and appropriate to the man. His overcoat is of blue cloth, with double cape. He wears a straw hat winter and summer. His boots are fastened together with thongs of leather, and were fashioned by himself. The soles of them are at least two inches thick, and have the appearance of having been worn with sundry repairs for at least ten years.

"His horse, which is blind of one eye, appears to be well cared for, and is probably the only horse in the city that has not had the pretentious disease. Whether he is too old, or has acquired immunity from contagious diseases on account of his mode of life, it is difficult to say. The harness covering his horse's back is composed of small pieces of leather, rope, and bits of chain.

Old Wight lives down in the meadows, foot of Tenth street, Brooklyn, in an old shanty constructed by himself. He has acquired great riches by means of his industry and miserly habits. His property, composed of lots and small houses erected on them, scattered all over Brooklyn, is variously estimated at worth between \$300,000 and \$500,000—all acquired by selling small bundles of rye and oat-straw at five cents a bundle, and investing his gains in real estate in Brooklyn."

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March 31, 1871.

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Notes of the Press.
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A complete set of Harper's Magazine, now complete, in neat cloth binding, will be sent by express, freight at expense of purchaser, for \$2 25 cents per volume. Single volumes, by mail, postpaid, 85 cents. Cloth cases for binding, 50 cents, by mail postpaid.
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SUBSCRIPTIONS—1873.

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The annual volumes of Harper's Weekly in neat cloth binding, will be sent by express, freight at expense of purchaser, for \$2 25 cents per volume. Single volumes, by mail, postpaid, 85 cents. Cloth cases for binding, 50 cents, by mail postpaid.
The postage on Harper's Weekly is 20 cents a year, which must be paid at the subscriber's post-office.
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"A Repository of Fashion, Pleasure, and Instruction."

Harper's Bazar.

Notes of the Press.
The Bazar is edited with a contribution of tact and talent that we seldom find in any journal; and the journal itself is the organ of the great world of fashion. —Boston Traveller.
The Bazar contains itself to every member of the household, to the children by its drawings and pictures, to the young ladies by its fashion-plates and endless variety, to the provident matron by its tasteful designs for embroidered blouses and ingenious dressing-gowns. But the reading-matter of the Bazar is uniformly of great excellence. The paper has acquired a wide popularity for the fire-side enjoyment it affords. —N. Y. Evening Post.

SUBSCRIPTIONS—1873.

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An Extra Copy of either the Magazine, Weekly, or Bazar will be supplied gratis for every Club of Five Subscribers at \$4 00 each, in one remittance; or, Six Copies for \$20, without extra copy.
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ART DEPARTMENT.

Notwithstanding the increase in the price of subscription last Fall, when THE ALDINE assumed its present noble proportions and representative character, the edition was more than doubled during the past year; proving that the American public appreciate, and will support a sincere effort in the cause of Art. The publishers, anxious to justify a ready confidence thus demonstrated, have exerted themselves to the utmost to develop and improve the work; and the plans for the coming year, as unfolded by the monthly fine paper and engravings in any other shape or number of volumes (for ten times its cost; and then, there are the chromes, besides.

The publishers are authorized to announce designs from many of the most eminent artists of America. In addition, THE ALDINE will reproduce examples of the best foreign masters, selected with a view to the highest artistic success, and greatest general interest, avoiding such as have become familiar, through photographs, or copies of any kind. The quarterly tinted plates, for 1873, will reproduce four of John S. Davis' immortal sketches, which are appropriate to the issues for January, April, July and October, would be alone worth the price of a year's subscription. The popular feature of a copiously illustrated "Christmas number" will be continued. To possess such a valuable epitome of the art world at so trifling a cost, will command the subscriptions of thousands in every section of the country, but as the usefulness and attractions of THE ALDINE can be enhanced, in proportion to the numerical increase of its supporters, the publishers propose to make "assurance doubly sure" by the following unparalleled offer:

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Every subscriber to the Aldine, who pays in advance for the year 1873, will receive, without additional charge, a pair of beautiful oil chromes, after J. J. Hill, the eminent English painter. The pictures entitled "The Village Belle," and "Crossing the Moor," are 14x20 inches, printed from 25 different plates, requiring 25 impressions and tints to perfect each picture. The same chromes are sold for \$80 per pair in the art stores. As it is the determination of its conductors to keep THE ALDINE out of the reach of competition in every department the chromes will be found correspondingly ahead of any kind ever offered by other periodicals. Every subscriber will receive a certificate under the signature of the publishers, guaranteeing that the chromes sent shall be equal to the samples furnished, and that the money will be refunded. The distribution of pictures of this grade, free to the subscribers to a five dollar periodical, will make the history of THE ALDINE, and considering the unprecedented cheapness of the price for THE ALDINE itself, the marvel falls little short of a miracle, even to those best acquainted with the value of such reproductions, and the improved mechanical appliances. (For illustrations of these chromes, see November issue of THE ALDINE.)

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THE undersigned having qualified as Executors of the last Will and Testament of Dr. A. M. Trueman, deceased, do hereby notified to the estate of said deceased, and all persons indebted to the estate of said deceased, to present their claims against said estate, on or before the 6th day of June, 1873, or this notice will be pleaded in bar of recovery.

T. R. PUNELL, Executors.
Salem, N. C., June 6th, 1872. 23-3m.

EXECUTOR'S NOTICE.

HAVING qualified as Executor of the last Will and Testament of M. M. Trueman, deceased, do hereby notified to the estate of said deceased, and all persons indebted to the estate of said deceased, to present their claims against said estate, on or before the 6th day of June, 1873, or this notice will be pleaded in bar of recovery.

E. T. BLUM, Executor.
Salem, N. C., June 4, 1872. 23-3m.

EXECUTOR'S NOTICE.

HAVING duly qualified as Executor of the last Will and Testament of Miss Lucinda Bagge, deceased, do hereby notified to the estate of said deceased, and all persons indebted to the estate of said deceased, to present their claims against said estate, on or before the 12th day of June, 1873, or this notice will be pleaded in bar of recovery. And all persons indebted to her estate, are urged to make payment.

THOS. J. WILSON, Executor.
Winston, N. C., June 12th, 1872. 25-5w.

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Arrives every Saturday, by 3 P. M. Departs every Friday, at 6 A. M.

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Arrives every Friday, by 7 P. M. Departs every Saturday, at 6 A. M.

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Arrives every Tuesday, by 7 P. M. Departs every Monday at 7 A. M.

WALNUT CREEK MAIL.

Arrives every Saturday, by 7 P. M. Departs every Friday, at 4 P. M.

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